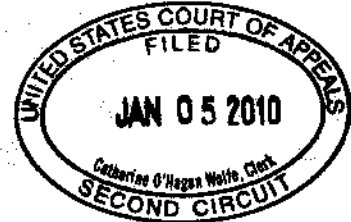


SONY  
04-CV-2220**MANDATE**

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5<sup>th</sup> day of January, two thousand and ten.

PRESENT: José A. Cabranes,  
Peter W. Hall,  
Circuit Judges,  
Robert W. Sweet,  
District Judge.\*



Victor J. Runner,  
Plaintiff-Appellee,

v.

New York Stock Exchange, Inc.,

*Defendant-Cross-Claimant-Third-Party-Plaintiff-  
Third-Party-Defendant-Cross-Defendant-Appellant,*

AMEC Construction Management, Inc.,

*Def-Third-Party-Plaintiff-X-Defendant-Third-Party-  
Defendant-Appellant,*

Albin Gufstanson Co., Inc.,

*Third-Party-Defendant-Cross-Claimant.*

**JUDGMENT**

Docket Number: 08-0653-cv

USDC SONY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 01 FEB 2010

The appeal in the above-captioned case from a judgment of United States District Court for the Southern District of New York having been argued on the district court record and the parties' briefs. On consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the judgment of the District Court is AFFIRMED and the cause is REMANDED in accordance with the opinion of this Court.

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by

DEPUTY CLERK

FOR THE COURT,

Catherine O'Hagan Wolfe,  
Clerk

By:

Judy Pisanont, Motions Staff Attorney

\*The Honorable Robert W. Sweet, of the United States District Court for the Southern District of New York, sitting by designation.

ISSUED AS MANDATE:

January 29, 2010 MR